

09-18-06

Don Dae

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

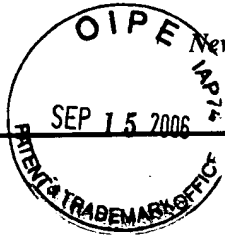
Docket No.  
TieTek-001:D

In Re Application Of:

Sullivan, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10 / 808,955	25 March 2004	Del Sole, Joseph S.	021897	1722	6356

Invention:



*New and Improved Railroad Tie and Method for Making Same*

Attention: Office of Petitions  
Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action: 09/19/2006 MGE BREM1 00000164 10808955  
☐ is enclosed. ☐ was filed on 01 FC:2453 750.00 OP

The proposed reply is in the form of: \_\_\_\_\_

2. ☒ The issue fee:

☒ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |  |                             |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$750.00</u>             |
| 8. <input type="checkbox"/> Fee for reply in the amount of:                                | <u>                    </u> |
| 9. <input checked="" type="checkbox"/> Issue fee in the amount of:                         | <u>\$700.00</u>             |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:           | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                     | <u>                    </u> |
| 12. <input checked="" type="checkbox"/> <u>Publication Fee</u>                             | <u>\$300.00</u>             |

Total fees enclosed: \$1,750.00

The fee of **\$1,750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **13-2166**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

Dated: *September 15, 2006*

**Taras P. Bemko**  
**Reg. No. 52,609**  
**The Matthews Firm (Customer No. 021897)**  
**2000 Bering Drive, Suite 700**  
**Houston, Texas 77057**  
**US**  
**713-355-4200 Telephone**  
**713-355-9689 Facsimile**

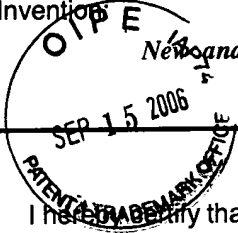

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Person Mailing Correspondence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Correspondence

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.	
Applicant(s): Sullivan, et al.			TieTek-001:D	
Application No. 10 / 808,955	Filing Date 25 March 2004	Examiner Del Sole, Joseph S.	Customer No. 021897	Group Art Unit 1722
Invention  New and Improved Railroad Tie and Method for Making Same				
I hereby certify that the following correspondence:				
<div>Transmittal Letter (General - Patent Pending), and all documents referenced therein</div> <p>(Identify type of correspondence)</p>				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>15 September 2006</u> (Date)				
<div>Matt Robinson</div> <div>(Typed or Printed Name of Person Mailing Correspondence)</div> <div></div> <div>(Signature of Person Mailing Correspondence)</div> <div>EV 516729524 US</div> <div>("Express Mail" Mailing Label Number)</div>				
Note: Each paper must have its own certificate of mailing.				



**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

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Title:

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COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Return Postcard;**

**Check No. 1380 , in the amount of \$1,750.00 (petition, issue, and publication fees);**

**Certificate of Express Mailing (EV 516729524 US);**


**Petition for Revival; and**

**Part B - Fee(s) Transmittal (issue and publication)**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$1,750.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **13-2166** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: